

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 522 - SB 744

February 20, 2013

SUMMARY OF BILL: Makes investigations of police officers applicable to any police officer who is eligible to be paid overtime pursuant to the *Fair Labor Standards Act* (FLSA).

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- This bill has an effective date of July 1, 2013.
- This would apply to local police officers, county and municipal.
- Currently, Tenn. Code Ann. Title 38, Chapter 8, Part 3, relative to police investigations, states that such investigations are only applicable to police officers who have civil service status and whose agencies do not have their own investigative and disciplinary process.
- This bill would make police investigations, disciplinary actions, and due process hearings applicable to all local law enforcement officers, under the rank of captain, which are eligible to earn overtime under the FLSA. This would, in effect, protect these local officers from being terminated without cause.
- According to the County Technical Assistance Service (CTAS), approximately 30 counties have adopted the *Sheriff's Civil Service Act of 1972*, which grants property interest, or essentially provides the same benefits of due process.
- The remaining 65 counties (95-30) and numerous municipalities which would be required to provide due process would now be required to provide due process and as result, take disciplinary action as necessary.
- It is estimated that allowing due process for these counties and municipalities would result in an increase in local expenditures relating to hearings, cost of legal representation, etc.
- Currently, all police officers and deputy sheriffs are subject to internal affairs type investigations whether it may be a result of a citizen complaint or if they stray outside of the agencies policy or rules and procedures. These officers can ask for a hearing or if they feel the result of the discipline violates their rights, they can file a complaint with the Equal Employment Opportunity Commission (EEOC).
- It is estimated that counties and municipalities currently budget for any costs that may arise from these investigations, complaints, or hearings. Any increase in expenditures as

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a result of the proposed legislation is estimated to be not significant and can be accommodated within existing local resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/jdb